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General Assembly

Tenth Emergency Special Session

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12th plenary meeting
Tuesday, 9 February 1999, 3.30 p.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 3.45 p.m.

Agenda item 5 *(continued)*

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolution (A/ES-10/L.5/Rev.1)

Mr. Satoh (Japan): I would first like to express my profound sorrow at the passing of His Majesty King Hussein of the Hashemite Kingdom of Jordan. A man of great wisdom and personal integrity, King Hussein was a beloved leader of the Jordanian people and a universally revered world statesman. Throughout his long reign he worked tirelessly and with admirable success to improve the well-being of his people and to foster regional stability. His commitment to the Middle East peace process was unshakable. The progress that has been made towards the realization of peace would not have been possible without his courageous and far-sighted leadership. We are all diminished by this loss.

On behalf of the Government and the people of Japan, I extend my sincere condolences to Ambassador Abu-Nimah and through him to King Abdullah and the other members of the royal family and to all the people of Jordan.

At this time, I wish also to express on behalf of the Government and the people of Japan my sincere sympathy to the Government and the people of Colombia on their unspeakable loss in terms of human life and material destruction due to the recent earthquake in the western part of the country. Japan responded quickly to calls for assistance by dispatching rescue teams and medical personnel, as well as disaster relief assistance, in the hope of easing the suffering of the Colombian people and hastening their recovery.

The Government of Japan has always attached great importance to the realization of a just, lasting and comprehensive peace in the Middle East. Accordingly, Japan has actively contributed to the peace process by making various multilateral and bilateral efforts to promote dialogue and foster mutual confidence among the parties concerned, and also by extending economic assistance to the Palestinians.

In January this year, Mr. Masahiko Komura, Minister for Foreign Affairs of Japan, visited Israel and the Palestinian self-governing area, as well as Lebanon, Egypt, Syria and Jordan. In his meetings with leaders in the region, Mr. Komura called for the full implementation of the provisions contained in the Wye River Memorandum. He also advocated four guiding principles with regard to southern Lebanon: first, the withdrawal of Israeli forces from southern Lebanon should be implemented as stipulated in Security Council resolution 425 (1978); secondly, that withdrawal should lead to a comprehensive Middle East peace; thirdly, the process of withdrawal should not be hindered, and parties should discuss its concrete steps without any precondition; and fourthly, the international community

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should render its support to the stabilization of southern Lebanon after Israeli withdrawal.

Japan is also committed to its role as a major contributor to the peace process. My Government has already disbursed $400 million in aid to the Palestinians. Furthermore, on the occasion of the Conference to Support Middle East Peace and Development, in November last year, Japan pledged up to $200 million for assistance to the Palestinians over the next two years.

Japan also wishes to play a more active role in ensuring that assistance by the donors is extended and used effectively, and in nurturing an environment in which the assistance will contribute to confidence-building among the parties concerned. Japan has already expressed its readiness to host the Ad Hoc Liaison Committee meeting in Tokyo in the course of this year.

The signing of the Wye River Memorandum in October last year was indeed a major step forward in breaking the impasse that had prevailed in the peace process since March 1997. The international community, including Japan, heartily welcomed it. We also saw some progress soon after the signing. Recently, however, the implementation of the Memorandum has regrettably been stalled subsequent to various domestic political developments in Israel. Japan shares the concern of the international community over the current situation. During his recent visit to the region, Foreign Minister Komura appealed to the Israeli leaders to implement the existing agreements, and at the same time called on the parties concerned to refrain from taking any unilateral actions that could further destabilize the situation.

It is essential that the parties concerned should be unrelenting in their efforts to resolve the problems through dialogue. From this point of view, Mr. Komura stated in his speech to the Palestinian Council in January that "oppression and violence create further oppression and violence, and reinforce the vicious circle of distrust and hatred," and that "the road to mutual understanding and peace in a true sense, though it may seem the long way around, should be through thorough and continuous dialogue, fully recognizing the position of the other side and avoiding unilateral actions which might amplify the misunderstanding and distrust".

Japan sincerely hopes that the parties concerned will persevere in their efforts to engage in dialogue in order to advance the peace process. Japan, for its part, is determined to play a political role by approaching, directly and indirectly, the parties concerned with a view to stimulating political dialogue among them.

Let me now turn to the draft resolution before us. Having considered it with the utmost care in terms of the effect it could have on the peace process, and bearing in mind the work of the Government of Switzerland in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the Government of Japan is ready to support this draft resolution.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): The General Assembly today convenes for the fourth time its tenth emergency special session under the provisions of General Assembly resolution 377 (V), entitled "Uniting for Peace", with the aim of fulfilling its responsibilities vis-à-vis Israel's continuing total disregard of the demands of the international community, as represented by this Assembly, with regard to the cessation of Israel's illegal activities in the occupied Palestinian territory, including Jerusalem. Foremost among these activities is the building of settlements.

It is disheartening to recognize that, since this session adopted its first resolution, on 25 April 1997 — that is, nearly two years ago — Israel has continued to implement and intensify its settlement plans in the occupied Palestinian territory, including in particular East Jerusalem. By doing so, Israel is completely and intentionally ignoring not only the requests embodied in the resolutions adopted by the Assembly on the matter, but also the consensus opinion expressed by the international community for 30 years now regarding the applicability of the Fourth Geneva Convention to all the Arab and Palestinian territories occupied by Israel in June 1967. Israel is further violating international legal and political instruments.

The Government of Israel announces day after day its unwillingness to cease construction of new settlements or to halt the expansion of the existing ones. It has continued to challenge the will of the international community by confiscating more territory even after signing the Wye River Memorandum last October. It would seem to be reassuring its supporters by showing that it will relinquish territory to the Palestinians only when it is also confiscating other territories, twice as large.

This situation poses a serious question: how long will the international community allow Israel to continue

this recklessness? How long will the international community overlook the challenge to its will and the disregard of its positions?

We believe that the international community must continue to assert its position until Israel complies and retreats, until Israel relinquishes the territory it occupies and returns to the fold of nations that abide by international law.

All the measures taken by Israel, the occupying Power in the occupied Palestinian territory — such as the confiscation of civilians' lands, the construction of houses and infrastructure for Israeli habitants and the transfer of Israeli settlers to these territories — are outlawed by the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. The provisions of this Convention are not without reason. They aim at preserving the rights of civilian populations in territories occupied by an occupying Power, so that with the passage of time facts on the ground will not be altered so as to allow the occupier to become the owner of the territory or to obtain any rights regarding it.

Further reaffirming this concept, the General Assembly has for 30 years, year after year, adopted resolutions that reaffirm its well-established position regarding the applicability of this Geneva Convention to the occupied Palestinian territories, including East Jerusalem, as well as the other occupied Arab territories.

The Assembly recommended in its resumed emergency special session, on 15 July 1997, *inter alia*, the convening of a conference of the High Contracting Parties to the Geneva Convention on measures to enforce the implementation of the Convention in the occupied Palestinian territory. The Assembly adopted this recommendation by an overwhelming majority of the Member States. This shows that these States have clear and resolute positions regarding the applicability of the Convention to those territories, and it proves that these States recognize that what is occurring in the occupied Palestinian territories constitutes the complete violation of all the provisions of international humanitarian law enshrined in the Geneva Conventions.

It is important here to mention that the Government of Switzerland, in its capacity as the depositary of the Geneva Conventions, responded favourably to the request of the Assembly by playing an important and pivotal role in the preparations for the convening of that conference.

Egypt fully appreciates the efforts made by Switzerland in this regard. We invite it to continue its efforts, with a view to upholding the principles of international humanitarian law. Switzerland convened two meetings: one for the Palestinians and Israelis with the participation of the International Committee of the Red Cross in June 1998, and the other for the States parties to the Fourth Geneva Convention at the level of experts at the end of October last. The Arab side cooperated fully in the conduct of those meetings in the hope and expectation that they would lead to the implementation of the recommendation of the General Assembly to convene the conference, in spite of the fact that those meetings were not, in our view, alternative steps to the holding of the conference.

Today, now that almost a year and a half has elapsed since preparations for the conference began, we believe that it is high time to set a date for its convening through the collective will of the States parties to the Convention.

Egypt believes that this conference — which we are well aware has no precedent in the history of the four Conventions — must be an embodiment of the collective responsibility of the States parties to the Fourth Convention, in line with common article 1, which places on the High Contracting Parties the responsibility to respect and to ensure respect for the Conventions in all circumstances.

By requesting the resumption of this session and presenting the draft resolution that has already been circulated, we are seeking to convene a conference which aims only at reaffirming the principles of international humanitarian law, respecting the implementation of its provisions and preserving its credibility from erosion.

The universal membership of the Fourth Convention — 188 States — and the collective belief of the High Contracting Parties in the humanitarian principles enshrined in the field of the protection of civilian rights in time of war and conflict give a binding dimension to the meaning of the phrase "respect and to ensure respect" of the Conventions, as mentioned in common article 1.

I should like here to note in particular that in addition to common article 1, article 89 of the first Additional Protocol to the Fourth Convention, the legal basis for the draft resolution before the Assembly, states that

> "in situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter".

Egypt believes that the actions taken by the current Government of Israel in the occupied Palestinian territories, including East Jerusalem, constitute serious violations of the Fourth Geneva Convention. These include continuing and intensifying settlement activities, confiscating the land of Palestinian people, constructing bypass roads, implementing policies of closure of the areas under the control of the Palestinian Authority, and many other measures that are well known to the Assembly through the reports submitted to it. All of these justify the General Assembly's recommendation to specify a date in April to convene this important and historic conference.

I should like to seize this opportunity to invite Member States to further show their solidarity with the Palestinian people at this crucial stage in their history. I call upon the Assembly to live up to its responsibilities under the Charter and adopt the draft resolution before us by an overwhelming majority.

Mr. Mungra (Suriname), Vice-President, took the Chair.

Mr. Andjaba (Namibia): My delegation wishes to express our profound sadness and deep sorrow at the untimely passing of His Majesty King Hussein of Jordan. His death is not only a loss to the people of the Kingdom of Jordan but also to the peace process in Palestine and the Middle East in general. It is indeed a loss for humanity.

I would like to use this opportunity to convey the heartfelt condolences of the President, the Government and people of the Republic of Namibia to the bereaved family of the late King Hussein and to the people of the Kingdom of Jordan.

My delegation associates itself with the statement made by the delegation of South Africa on behalf of the Non-Aligned Movement.

The question of Palestine is the responsibility of the United Nations, and, as such, we cannot and must not fail the people of Palestine. Therefore, with the resumption today of this tenth emergency special session on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, States Members of the United Nations should reaffirm their commitment to ensuring the advent of a lasting and comprehensive peace to Palestine and to the Middle East in general. Israel's continuing violations and breaches of General Assembly and Security Council resolutions as well as international humanitarian and human rights law can only delay that peace.

In December of last year, my delegation, together with others, voiced our optimism at the resumption of the peace process after the signing of the Wye River Memorandum on 23 October 1998. However, to our dismay and disappointment, we had to witness once again obstructions by the Israeli side, which resulted in the eventual suspension, on 30 December 1998, of the Wye River Memorandum, including the negotiations on the final settlement, which should be concluded by 4 May 1999. These negative actions have again stalled the peace process. We urge the international community to continue to exert pressure on the Israeli Government to induce it to resume complying with its obligations under international agreements.

The situation of the Palestinian people in the occupied territories warrants concern and action by the international community. My delegation appreciates the parallel efforts by the Government of Switzerland, which, as the depositary of the Fourth Geneva Convention, convened in October 1998 a meeting of experts of the High Contracting Parties, at which general problems concerning the Convention and in particular in occupied territories were discussed.

We thus remain convinced of the urgent need for a conference of the High Contracting Parties to the Geneva Convention on measures to enforce the provisions thereof in the occupied Palestinian territories, including Jerusalem.

My delegation has always expressed and continues to express its unequivocal solidarity and support for the Palestinian people, their just cause, their achievement of self-determination and the establishment of an independent State of Palestine. We also reaffirm our conviction that the long-deserved peace in the region can be attained only through the full implementation of all relevant General Assembly and Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973), the principle of land for peace, as well as resolution 425 (1978). In this context, the draft resolution before us is an important element in the resolution of the question of Palestine and my delegation fully endorses it.

As a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Namibia supports and endorses the Bethlehem 2000 international Conference to be held in Rome on 18 and 19 February 1999. We also call upon Member States to support the African meeting in support of the inalienable rights of the Palestinian People, which will take place from 20 to 22 April 1999 in Windhoek, Namibia.

Mr. Aamiry (Jordan) (*interpretation from Arabic*): It is a great honour for me to begin by extending our heartfelt thanks and appreciation to all the heads and members of delegations who have expressed their noble feelings towards Jordan and conveyed their condolences at our great loss in the untimely demise of His Majesty King Hussein. We are grateful to those who stand at our side in our tragedy. Their noble sentiments will encourage us to move steadily into the future with confidence and determination.

I wish to thank you, Sir, for the resumption of the tenth emergency special session to address the current difficult circumstances in our region and the Palestinian territories as a result of the continued Israeli illegitimate practices against the population of the territories. These practices damage the prospects for peace in our region. It is perfectly normal for us to appeal to the arbitration of this Assembly whenever obstacles rise to impede the progress of the peace process, despite the fact that many question the usefulness of such a pursuit. Is not the peaceful settlement of disputes, free of violence and armed conflict, at the heart of the United Nations? Is the Organization not duty-bound to implement the principles of international law and legitimacy and the resolutions of its various organs as the bases of valid and healthy international relations governed by peace, stability, cooperation, mutual respect and commitment to the resolutions of these international organizations?

We would not have asked for this session to be convened had the peace process, begun seven years ago in Madrid, remained on track or if the scheduled steps and stages had been completed in accordance with the timetables and agreements signed by the parties concerned. The current trend is counterproductive and can neither serve the objectives of peace nor contribute to its realization.

We are gravely concerned at the paralysis that has stricken the peace process. We have expressed these feelings on every occasion in which we have addressed this Assembly. We truly fear that the peace process may become mere sloganeering, devoid of all meaning. This could pose a most serious threat to the Middle East and the peace process. We have confirmed our belief that peace is an act and a practice. Peace is a commitment to signed agreements. We believe that peace is respect for justice, right, legitimacy and the rights of others. We have also assumed that it is a sincere desire to cooperate, participate and build a prosperous future for all peoples of the region.

Unfortunately, however, the current Israeli Government does not share this understanding. It has failed to heed sincere assurances that security, on which Israel keeps harping, necessitates peace and a commitment to its requirements. The way to security includes enhancing mutual confidence and rejecting the hegemonic mindset and any attempt to consolidate illegitimate gains through the wielding of strength and power. What does security have to do with demolishing Palestinian homes with bulldozers and leaving their residents exposed to the elements? What does it have to do with displacing residents in the pretext that these homes were built without licenses? Are these homes not built on Palestinian territory? Isn't this territory supposed to be returned to their legitimate owners as part of the final status agreement?

Hardly a day passes without our television screens' broadcasting scenes of the homes of Arab Palestinians being demolished and of arbitrary Israeli practices against the Arab Palestinian population, which reflect policies followed by Israel since 1967 to depopulate the land and prepare territories for settlement. Today's newspaper carried reports of the Israeli army's demolition of two houses, one of them home to 10 people, near Hebron after Israeli soldiers evicted their inhabitants by force. The houses were destroyed with all their furnishings.

The policy of land confiscation and of settler colonialism pursued by Israel poses the gravest threat to the peace process. The fact is that settler colonialism threatens the future of relations in the region and to plunge it back into an atmosphere of war and conflict. This policy is a denial of justice, right and of valid principles on which any normal relations might be built. It is also a breach of the sanctity of international law, human rights and the successive resolutions adopted by this international Organization over the years.

For all these reasons, and now that Israel has rejected its responsibilities and commitments under the Wye River Memorandum, which we had hoped would put the peace process back on track after an absolute

deadlock of more than a year and a half, we called for a convening of this special session. We did so in the hope that it would allow us to assess the deteriorating situation in the Middle East and to adopt a resolution calling for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention and to enforce its provisions on the Palestinian territories, including Jerusalem. Our aim is to put an end to practices that perpetuate the conflict, threaten peace and security and violate human rights. This is all explained in the draft resolution, and we call on the Assembly to adopt it.

We in Jordan are committed to peace. This commitment is firm and cannot be undermined by obstacles and doubts. We witnessed His Royal Highness the late King Hussein interrupt his treatment in order to join his efforts with those who were already making their contributions to arrive at an agreement at the Wye River Plantation. After those efforts were successful, the Israeli Government undermined and failed to implement the ensuing agreements. We still believe that the efforts of those who sincerely want peace should be redoubled and coordinated with the efforts made by our Organization to realize the noble objective of peace.

We also believe that for peace to be permanent and capable of withstanding any challenge, it should be comprehensive and based on justice and legitimacy. We therefore call upon Israel to respect and implement its commitments and to address seriously and objectively our endeavours, not only on the Palestinian track but on the Lebanese and Syrian tracks as well.

In conclusion, I would like to express our sincere sympathy to the people and the Government of Colombia over the earthquake that recently struck that country and to affirm that the people and the Government of Jordan stand in solidarity with the people of Colombia. We hope that they will soon be able to overcome their tragedy.

Mr. Al-Hajri (Qatar) (*interpretation from Arabic*): Allow me at the outset to express, on behalf of the State of Qatar, its Emir, its Government and its people, our sincere condolences to His Majesty King Abdullah of the Hashemite Kingdom of Jordan and to the entire royal family and the people and the Government of Jordan, our sister country, on the passing of His Majesty King Hussein. We hope that he will rest in peace and that peace and security will be assured for Jordan.

Allow me also to express to our sister country Colombia our heartfelt condolences over the victims of the earthquake that occurred last month in that country.

I have the honour and pleasure of speaking before the General Assembly on behalf of the Islamic Group. I would like to express our appreciation and thanks to the President for having secured the resumption of this emergency special session, one of whose goals is to combat one of the main problems that the Organization has been dealing with. I would like to thank all of those who have contributed to the holding of this session and who have supported it.

We are gathered together today to reaffirm what we decided upon at earlier meetings of this session. At the last meeting, held in March last year, we affirmed the need to hold a meeting of the High Contracting Parties to the Fourth Geneva Convention to consider ways and means to ensure Israel's respect for all the provisions of that Convention. All of the Members except Israel acknowledge the *de jure* and de facto applicability of the 1949 Fourth Geneva Convention in the occupied Arab territories. We would like to reaffirm here that article 49 of the Convention compels Israel, as the occupying Power, to refrain from expropriating the territories it occupied and erecting buildings on it or expelling its civilian populations. Unfortunately, we can all see that Israel is applying all these measures without any concern for the norms of international humanitarian law or for the agreements that it entered into with the Palestinian Authority.

Today the time has come for all States parties to the Fourth Geneva Convention to begin preparations for the holding of the conference recommended at previous meetings, in accordance with the text of the Convention itself. I would like to express my deep thanks to the Government of Switzerland for its efforts. We are fully ready to cooperate with that Government, as the depositary State of the Convention, to ensure the implementation of the resolutions adopted by the General Assembly at the ninth emergency special sessions, as well as any resolutions that may be adopted at this session.

The Islamic Group is greatly dissatisfied over Israel's activities at the holy places of Al-Quds al-Sharif, as well as other holy places. The establishment of settlements and the expansion of existing settlements, the destruction of Palestinians' homes, the confiscation of their identity cards and the expropriation of their lands are all flagrant violations of international norms and

instruments and a clear defiance of the will of the international community. While strongly condemning such reprehensible practices and activities on behalf of the Islamic Group, we would also like to say that such activities do not create any legal precedent. We will demand that the international community shoulder its full responsibility to force Israel to yield to the international will, revert to international legality and abide by all relevant resolutions of the United Nations in this regard. We would like to reaffirm that Israel's measures and activities adversely affect all peace-loving States and injure the sensitivities of the Islamic world. We look forward to all States' adhering to the Fourth Geneva Convention and call upon all peace-loving countries to adopt the draft resolution before us and support it so that we may take the proper course to help the Palestinian people achieve its aspirations. That people has suffered for too long from the abominable lack of freedom.

Mr. Al-Ahmed (Saudi Arabia) (*interpretation from Arabic*): On behalf of the Government and the people of the Kingdom of Saudi Arabia I would like to express our sincere condolences and sympathy to the royal Hashemite family and to the fraternal Government and people of Jordan on the passing of King Hussein Ibn Talal. We pray that God will show him mercy and forgiveness and give his family patience. We express our solidarity with and support for fraternal Jordan and our hopes for its continued progress and prosperity.

We would also like to express to the Government and the people of Colombia our deepest sympathy regarding the victims of the earthquake that recently struck that country.

I am pleased to express my appreciation and thanks for the resumption of the tenth emergency special session of the General Assembly to discuss the illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. The positive response given by the Assembly in resuming this session today is proof of the dilemma that the international community is facing, and it is proof that the international community as a whole is keenly interested in assuming its responsibilities regarding the question of Palestine.

During many previous meetings of General Assembly emergency special sessions and of the Security Council the international community has demanded by an overwhelming majority that Israel, the occupying Power, desist from engaging in any illegal settlement activities or making any changes that might affect the existing conditions in Holy Jerusalem and the other occupied Palestinian territories, because such actions and policies negatively affect the peace process in the Middle East and result in further complications in that region.

However, Israel continues to defy the resolutions of the international community and the United Nations. It continues to build new settlements in the Palestinian territories with the objective of altering the ante-bellum status quo and creating a new reality. It continues to attempt to Judaize Holy Jerusalem by building Israeli settlements inside and around it so as to create a Jewish majority in that city. It continues to drive the Arab population from its homes, and it has also decided, prior to negotiations on the final status of Jerusalem, to enlarge Jerusalem's municipal boundaries to include the neighbouring Israeli settlements. All these actions are proof of the Israeli Government's intention to jeopardize the peace process and to bring it to a halt.

These Israeli practices have aborted the efforts of the international community to achieve a just and comprehensive peace settlement on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. They have brought the peace process to a dead end. The behaviour of the present Israeli Government does not make us hopeful that it will be possible to achieve the peaceful resolution to which the peoples of the region aspire. All our efforts to date will be to no avail if these Israeli practices are not faced in a resolute and firm manner that forces Israel to fully implement the agreements signed with the Palestinian side, respect the principles on which the peace process is based, enter into serious negotiations with the Palestinians and resume negotiations with Syria and Lebanon from the point where those negotiations stopped.

We appeal to the international community, and to the United States of America in particular, to take the necessary steps to salvage the peace process and to put an end to the Israeli transgressions regarding one of the most delicate and sensitive aspects of the peace process: the question of Holy Jerusalem, Al-Quds al-Sharif, the first Qiblah and the third Holy Sanctuary. This must be dealt with as the most important aspect of the Arab-Israeli conflict.

The best way to achieve security and stability is by making a commitment to the rules of international legitimacy and honouring the agreements signed. If the present Israeli Administration is serious about achieving peace with the Palestinian party, all it has to do is

recommit itself to the agreements signed and to resume negotiations to resolve the outstanding issues.

With the objective of achieving peace, stability and security in the Middle East, the Government of The Custodian of the Two Holy Mosques has endeavoured to support the peace process from the outset. My Government participated as an observer in the Madrid Peace Conference and actively participated in the multilateral negotiations. We have supported and will continue to support this process in all our international activities and contacts.

In addition, the Arab States, at their summit meeting in Cairo in June 1996, unanimously adopted a firm position that stipulates that peace is an Arab strategic choice, confirming that there will be no retreat from this clearly defined position. However, we are increasingly concerned about the continued Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. In particular, we are concerned about the building of Israeli settlements in Jebel Abu Ghneim, south of occupied East Jerusalem, and about its refusal to apply the Geneva Convention to the occupied Palestinian territories, including Jerusalem and the other Arab territories occupied by Israel since 1967.

Thus, the Kingdom of Saudi Arabia calls upon the High Contracting Parties to the Geneva Convention to convene a conference to enforce the Convention in the occupied Palestinian territories, and in particular in Jerusalem. The parties must ensure the adherence of the Israeli authorities to the Convention in accordance with its common article 1. The High Contracting Parties should demand that Israel, the occupying Power, rescind all policies and regulations that were illegally enacted, fully desist from any actions or transgressions in Arab Jerusalem and other occupied Palestinian territories and begin immediately to fully comply with the articles of the Convention.

We thank the Government of Switzerland, in its capacity as the depository of the Geneva Convention, for the efforts it has made. We invite that Government to take all necessary measures, in cooperation with the United Nations and the International Committee of the Red Cross, to convene a conference of the High Contracting Parties to the Geneva Convention.

We would like to reaffirm our belief that the Assembly and the Security Council are obligated to take the necessary steps to prevent Israeli transgressions in Holy Jerusalem and other occupied Palestinian territories. They have the obligation to prevent other Israeli violations of international law and of the resolutions adopted by the Assembly and the Security Council. We hope that the international community will prove to the world that it supports justice and peace by seriously assuming its responsibilities in the face of these Israeli practices and transgressions.

Mr. Jemat (Brunei Darussalam): Allow me at the outset to express my delegation's deepest sympathy and our heartfelt condolences to the Government of Jordan, through the Permanent Mission of Jordan, on the passing of their beloved King, His Majesty King Hussein. The people of Brunei Darussalam grieve with the people of the Hashemite Kingdom of Jordan.

Our condolences and sympathy go also to the Government and people of Colombia on the recent tragedy which brought death and suffering to that country.

As on previous occasions, Brunei Darussalam once again joins the international community at this resumed emergency special session to reiterate its strong support for the Palestinians' right to self-determination and to establish a Palestinian state. My delegation is concerned at developments in the occupied Palestinian territories.

Israel's policies in occupied East Jerusalem and other occupied Palestinian territories continue to be the main obstacle to real progress in the peace process. We are particularly disappointed at the fact that construction continues on housing units in the new settlement of Jebel Abu Ghneim in the West Bank, to the south of occupied East Jerusalem, and on bypass roads in the West Bank, and that all settlement activities in the occupied territories are still ongoing. Those activities, my delegation believes, serve to undermine the spirit of trust and cooperation vital to the success of the peace process. The recent suspension by the Israelis of the Wye River Agreement signed on 23 October 1998 is a further setback to this process.

Brunei Darussalam firmly holds the view that Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the land-for-peace formula continue to be the basis for negotiations in order to arrive at a just, comprehensive and lasting peace in the region. We also believe that Israel's compliance with resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5, adopted at the tenth emergency special session, would help defuse tension in the region. In this regard, Brunei Darussalam calls on all

parties concerned to continue efforts to urge the Israelis to comply with all previous resolutions and to immediately bring the peace process back on track and to ensure its continuity for a durable peace and stability in the region.

In conclusion, Brunei Darussalam would like to reiterate its support for the convening of the meeting of the High Contracting Parties to the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War and the implementation of that Convention in the occupied Palestinian territories. Brunei Darussalam reaffirms its strong commitment and unwavering support for, and its continued solidarity with, the Palestinian people in their struggle for a just and lasting peace and an independent state of Palestine.

Mr. Boang (Botswana): At the outset, my delegation fully associates itself with the statement delivered by the Permanent Representative of South Africa on behalf of the Movement of Non-Aligned Countries.

Let me join those who have expressed deep sorrow and conveyed condolences to the Government and people of the Hashemite Kingdom of Jordan on the sad occasion of the untimely demise of His Majesty King Hussein Ibn Talal. While he lived, His Majesty King Hussein worked tirelessly for peace in his region. His pursuit of this noble cause never ceased despite ill health. This was epitomized by his timely intervention during the Wye River peace talks, which contributed immensely to the conclusion of the Wye River accord. It is the fervent hope of my delegation that the people of the Middle East, Jews and Arabs, will honour the memory of King Hussein by transforming the Middle East into a zone of peace and tranquillity.

The case of Palestine may at times bring about exasperation and despair because of its seemingly intractable nature. But because of the high stakes involved, exasperation and despair are a luxury we cannot afford. The high stakes my delegation is referring to are the inalienable right of the Palestinian people to self-determination and the elusive but necessary peace which we all cherish and pray for in the Middle East.

We have stated before and will do so again here that peace is a two-way street. The parties concerned — that is, the leadership of both Israel and Palestine — should continue to pursue peace in the spirit of give and take. This is an achievable objective, as was shown by the agreement on the Oslo accords and their subsequent implementation, although their future was in the process bleakened by the murderous hand of an anti-peace fanatic and the consequent change of administration in Israel.

Even though the consequence of the tragic death of Prime Minister Yitzhak Rabin was a debilitating lacuna or hiatus in the evolution of the peace process, a ray of hope began to shine again on further prospects for peace with the adoption of the Wye River Memorandum late last year. The Israelis and Palestinians committed themselves to the resumption of the concrete implementation of the peace accords.

We cannot fail to recognize that, in spite of the brave efforts of the Palestinians to implement the Wye River Memorandum, those efforts have once again fallen victim to their partners' failure to live up to their side of the bargain. The implementation of the Wye River Memorandum remains in limbo. It may be argued that due to pending national elections in Israel, implementation of the Memorandum may prove difficult.

However, it worries my delegation that the timing of such elections should take precedence over the search for peace through the implementation of the Oslo accords. To compound matters further, activities which are contrary and inimical to the peace process manage to find space on the calendar of events in Israel. Expropriation of Palestinian lands and illegal settlement construction continue even as the Memorandum remains frozen. Obviously, such a situation pours cold water on the argument that the Memorandum cannot be implemented at this stage.

My delegation wishes to join those who have called upon the Israeli Government to live up to its side of the bargain. Peace in the Middle East cannot be postponed nor frozen forever. Israel's search for a secure environment for its citizens is inseparable from the inalienable right of the Palestinians to a place of their own under the sun.

While we recognize the right of the State of Israel to exist within secure and internationally recognized borders, we also ardently believe that the Palestinians too are entitled to their own. We strongly appeal to the authorities in Israel to implement the Wye River Memorandum. Israelis from all walks of life, particularly those who really yearn for peace and recognize the right of other people to similar entitlements to theirs, should not cease to work tirelessly for the day when all the children of Abraham can live together as brethren. The bravery and visionary leadership which the late Yitzhak

Rabin so amply showed can only be honoured and rewarded by the efforts of peace-loving Israelis working harder for the realization of his dream.

Let me conclude by associating my delegation with those that have expressed the desire for the holding of a conference of the High Contracting Parties. We believe that the time has come for the dates and venue for the conference to be determined.

Mr. Burleigh (United States of America): Yesterday, we gathered in this Hall to hear powerful tributes to King Hussein. Different regional groups spoke; representatives of different countries made statements in a number of languages. But all drew one conclusion about what made King Hussein great: his tireless work for peace and his unrelenting efforts to bring the benefits of peace to his people. This is something to which we all aspire — the very aim that brings us here today.

The United States is working hard to achieve a just, lasting and comprehensive settlement of the conflict in the Middle East. I think we all share this goal. The United Nations can play a positive and important role in that quest. But the question we must ask ourselves is this: Does this emergency special session or this draft resolution contribute to that goal? The answer, clearly, is no.

My Government does not believe that this draft resolution, either in content or in tone, advances the cause of Middle East peace or even promises to improve the lot of the Palestinians, which is the avowed purpose of this initiative. In fact, this draft resolution is likely to have just the opposite effect, damaging further the environment between the parties precisely at a time when actions are needed on both sides to improve that environment.

The Palestinians and the Israelis agreed to handle the issues raised today in their negotiations. We do not believe that the United Nations or any other body should interfere in that discussion. But more importantly, we believe that this initiative will be counterproductive.

The draft resolution's call for a meeting of all the High Contracting Parties to the Fourth Geneva Convention to "enforce" the Convention in the occupied territories will only serve to damage the climate necessary for productive and ultimately successful negotiations. The language of this draft resolution and its proposed steps prejudge negotiations on permanent status issues and hamper the chances for eventually achieving the goal of peace shared by us all.

We remain deeply concerned that this draft resolution, like similar ones in the past, constitutes an unacceptable assault on the basic uses and meaning of the Fourth Geneva Convention. This draft resolution is another step towards politicizing that noble Convention, which is fundamentally humanitarian in nature. It demeans the Convention to use it as a vehicle to drive the political agendas of parties to a negotiating process.

This draft resolution is redundant and hortatory and will not accomplish the goal it ostensibly seeks to achieve. It will, in fact, not advance that process even incrementally. If it succeeds at anything, it will succeed, perhaps, in politicizing the Fourth Geneva Convention. Is that really something any of us would characterize as a success?

Let us not lose sight of our goal. My Government has not, and we are working every day to bring about a just and lasting settlement between Palestinians and Israelis. We want to see the Wye River Memorandum implemented in its entirety by both sides as soon as possible. We want to see progress in the permanent status negotiations.

That is why the United States will vote against this draft resolution. We ask all to do the same.

Mr. Hosseinian (Islamic Republic of Iran): Allow me at the outset to express, on behalf of the Government and people of the Islamic Republic of Iran, our deepest condolences to the Government and people of Jordan on the sad occasion of the demise of King Hussein and to pray to almighty God for his divine forgiveness of the deceased King and for the well-being and prosperity of the people of Jordan.

I would also like to express my sympathy and condolences to the people and the Government of Colombia for the tragic earthquake that claimed the lives of hundreds and caused extensive damage in that country.

The tenth emergency special session of the General Assembly has been resumed once more to discuss the continued illegal Israeli actions in the occupied Palestinian territories, including East Jerusalem. The resumption of this session is a clear indication of Israel's intransigent policy of totally disregarding the rule of international law and the demands of the international community that it cease its illegal actions and practices in occupied Palestine, in particular its settlement activities.

The four resolutions adopted during this special session in the course of the past two years have explicitly condemned Israel for failing to comply with the decisions of this Assembly and have rejected the validity of the Israeli illegal actions, as well as their practical outcomes and implications, in occupied East Jerusalem and the rest of the occupied Palestinian territory. The resolutions have also demanded that Israel cease immediately and fully the construction at Jebel Abu Ghneim and all other actions in Jerusalem, the building of new settlements and the expansion of existing settlements in the occupied territories, the construction of bypass roads and the confiscation of lands. Equally important are the provisions of these resolutions referring to the applicability of the Fourth Geneva Convention of 1949 to the occupied Palestinian territories and emphasizing the responsibilities of the Israeli regime and officials arising from their persistent violations and grave breaches of the requirements of this Convention.

Israel's rejection and defiance of these and other relevant resolutions of the United Nations illustrate the base intention of the Israeli regime to continue its notorious policy of expansionism and forcible occupation of others' lands through aggression, the use of brute force and intimidation. Such unlawful policies and inhumane practices have not only been directed against the inhabitants of the occupied territories, but have also been conducted to perpetuate the refugee status of 4 million Palestinians who live in the diaspora in refugee camps under precarious conditions. The continuation of this unjust situation would certainly prolong the suffering of Palestinians, both in the occupied territories and in the refugee camps.

The Israeli actions and policies are undoubtedly the main source of instability and insecurity in the region, thus creating an atmosphere of fear and anxiety among regional nations as well as in the entire international community. The agony is deepened when the world sees that Israel is even aloof to its obligations and commitments arising from the agreements which it has deliberately entered into, despite the acknowledged fact that they have been designed mostly in its favour.

Therefore, the United Nations, as the universal and the most representative body of the international community, has a permanent responsibility to tackle the Palestinian issue with a view to bringing peace and justice to a region that for more than half a century has been marked by enduring crises and engulfed in a whirlpool of constant tension and destructive confrontation. To our great regret, the Security Council, for plain reasons of common knowledge, has long been rendered ineffective in fulfilling its responsibility — which is well defined by the Charter — to deal with the issue of Palestine decisively. This has prompted the general membership to call for the convening of the special session under the provisions of General Assembly resolution 377 (V) of 1950.

In such circumstances it is imperative for the General Assembly to take the lead in condemning and rejecting the illegal Israeli policies and practices designed to perpetuate the forcible occupation, with a view to bringing such unlawful actions to an immediate end. By doing so, the Assembly should declare null and void all legislative and administrative measures and actions taken by Israel to alter the character, legal status and demographic composition of Jerusalem and the rest of the occupied territories, including laws adopted on 26 and 27 January 1999 by the Israeli parliament.

The Islamic Republic of Iran, as a party to the Fourth Geneva Convention, appreciates the initiative of the Government of Switzerland, which in its capacity as the depositary of the Convention convened the experts meeting of the Convention in Geneva last October. This meeting, as indicated in its chairman's report, was held to analyze the general problems regarding the application of the Fourth Convention, particularly in the occupied territories. In our view, such a meeting is a step forward and in the right direction to address issues of a humanitarian nature at time of armed conflict or in the occupied territories.

By the approach of the fiftieth anniversary of the four Geneva Conventions, a momentum will be created for the international community to reaffirm its determination to safeguard and promote the principles of humanitarian law through removing any obstacles — technical, political or otherwise — to the full implementation of these Conventions in all cases and circumstances. Accordingly, the Islamic Republic of Iran reaffirms its support for convening a conference of High Contracting Parties to the Convention on measures to enforce its provisions in the occupied Palestinian territory, including Jerusalem. It is our earnest hope that such a conference can contribute to the restoration of the inalienable rights of the Palestinian people.

Finally, the Islamic Republic of Iran supports the continuation and resumption of discussion on the issue under consideration by the General Assembly at the emergency special session, because of continued illegal Israeli actions in the occupied Palestinian territories. Indeed, the time is long overdue for the realization of the

legitimate aspirations of the Palestinian people, both in the occupied territories and in the refugee camps. To this end the role of the United Nations, particularly that of the General Assembly, remains as paramount as ever.

Mr. Qin Huasun (China) (*interpretation from Chinese*): First of all, allow me to express on behalf of the Government and people of China our profound grief over the unfortunate passing away of King Hussein of Jordan. Chinese President Jiang Zemin sent a telegram to Jordan's new King, Abdullah, expressing such a profound grief and heart-felt sympathy for the members of the royal family.

King Hussein was a great leader of the Jordanian people and an outstanding statesman of the Arab world. He devoted all his life to the prosperity of Jordan and the development of the Middle East peace process. King Hussein enjoyed not only the dear love of the Jordanian people, but also extensive respect in the international community. At this sad moment, the best way to remember King Hussein is undoubtedly to do all that we can to push forward the Middle East peace process that he worked for throughout his life.

The Israeli Government decided recently to temporarily suspend the implementation of Wye peace accord, continue the building of settlements in the occupied Palestinian territories, including East Jerusalem, and postpone the second-phase troop withdrawal from the West Bank. The Chinese delegation is gravely concerned over this development of the events there. We believe that such moves by the Israeli Government, having seriously sabotaged the Middle East peace process and caused tension in the region, should be halted immediately.

China has always believed that the Palestine issue is the core of the Middle East question. Only after the Palestine issue is solved in a just and reasonable manner and all the legitimate rights of the Palestinian people are restored can genuine and lasting peace be brought about between Israel and Palestine and peace, stability and development in the Middle East be realized. We maintain that a political settlement of the Middle East question should be found on the basis of the relevant United Nations resolutions and according to the principle of land for peace.

The Middle East peace process is right now at a sensitive and crucial juncture. We call upon all parties concerned to cherish the hard-won peace, carry out their respective obligations in all earnestness, strictly abide by the agreements already reached between Palestine and Israel and work to push forward the peace process with a flexible and pragmatic attitude and unaffected by disturbances.

Mr. Snoussi (Morocco) (*interpretation from French*): First of all, I would like to offer the fraternal Jordanian people our most sincere condolences on the passing of His Majesty King Hussein Ibn Talal. I would also like to say to my Jordanian brothers that their sorrow and grief are shared by the entire Moroccan people, the Arab nation, the Islamic Ummah and all the peace-loving peoples of the world.

The world will remember His Majesty King Hussein of Jordan, the builder of modern Jordan, as a hero who united his tireless efforts with those of other Arab leaders in order to make peace an achievable objective.

His Majesty King Hussein has bequeathed to the Arab nation and to Jordan a great heritage of wisdom, vision and courage. To His Majesty King Abdullah, his worthy successor, he has bequeathed inestimable potential for promoting peace and development in the Middle East. May God help him to assume his noble task, and we call on the Almighty to have mercy on the soul of the deceased.

In less than two years, the General Assembly has four times resumed its tenth emergency special session in order to consider the question of illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. During these various meetings, the Assembly has adopted resolutions condemning the Israeli policies, in particular the policy of settlement building. Unfortunately, the will of the international community, which has been clearly expressed by the Assembly, has not been enough to get the Israeli Government to heed reason.

As the occupying Power, Israel continues to violate the provisions of the Fourth Geneva Convention of 12 August 1949 by carrying out its policy of deporting Palestinians, confiscating identity papers and diverting flows of water, to cite only a few examples. It is thus beyond the shadow of a doubt that Israel is continuing to shirk its obligations under this Convention. This is what has made the resumption of this session inevitable.

This special meeting is intended to call on Israel one last time to return to reason and to respect the agreements that have been reached. As a sponsor of the draft resolution before the Assembly, Morocco supports the renewed recommendation by the General Assembly

that the High Contracting Parties to the Fourth Geneva Convention hold, on 15 July 1999, a conference on measures to enforce and ensure respect for the Convention in the occupied Palestinian territory, including Jerusalem.

I would thus like to take this opportunity to call anew on the Israeli Government to review its decision to suspend implementation of the Wye River Memorandum. Certainly Israel, which has so often reiterated that it wants peace, is aware that it cannot have peace without justice and equity. Israel continues to approach the Middle East peace process exclusively from the perspective of security. However, Israel's security cannot be assured if that of its neighbours is not. Certainly Israel is aware that security is only a single step in a grand civilizing project on which the hopes of the entire region rest and which includes — apart from the security component — tolerance, equality, coexistence, cooperation, development and, finally, peace for all the peoples of the Middle East.

A few months from the twenty-first century, it is appropriate to hope that this end of the century will finally see the closing of this dark chapter in the history of the Middle East. Let us dare hope, in any case, that future generations will be able to recall the Middle East conflict as a thing of the past.

Mr. Dlamini (Swaziland): May I preface my remarks by, first of all, expressing — on behalf of His Majesty the King, the people of Swaziland and, indeed, the Government of the Kingdom of Swaziland — our sympathy on the demise of His Majesty King Hussein of the Kingdom of Jordan. We say to the people of Jordan that Almighty God will continue to soothe the excruciating pain to which they have been subjected due to the unforeseen departure of His Majesty the King. Through the departure of His Majesty, they have not only lost a father but have been deprived of a leader full of patience in the face of circumstances beyond human control.

The Kingdom of Swaziland is taking the floor to make its views known on the item before us today. We have been listening to all the calls upon the parties to the dispute to come to a common understanding. Our expectations were subsequently reinforced by a series of conferences that brought the two parties together, conferences at which they both agreed to pursue the goals of lasting peace in the Middle East.

Not forgetting, of course, that the obstacles to achieving peace are always there, and not forgetting, of course, that there are difficulties facing all of mankind, the international community continued to urge the two parties to come to the conference table — notably, at the Oslo conference, the Madrid conference, the Washington conference in 1995, the Cairo conference in 1993 and, recently, at the meeting held at the Wye River Planation in the United States of America.

This body therefore has a responsibility to come up with resolutions that would call upon all parties not to renege on the commitments they made at all those conferences. There is no time for political posturing in our debate. Time is no longer on our side. That being the case, therefore, the Kingdom of Swaziland wishes to persuade the international statesmen who are here today to put forward resolutions that call upon both parties to urgently implement and honour the agreements set forth in the Wye River Memorandum.

Let us not allow ourselves to be bound by the history that stands in the way of our realizing lasting peace in the Middle East.

My delegation has yet to see a resolution specifically setting a time-frame for both Israel and Palestine to be prepared to adhere to and respect their own commitments. My delegation is taken aback, therefore, and wonders what the purpose is of this agenda before us. The Fourth Geneva Convention is not political, it is humanitarian. and we are faced here with a political situation. We would be cheated of our noble responsibility if we did not adopt resolutions calling on both parties earnestly to adhere to the provisions of the Conventions to which they both agreed.

For these reasons, my delegation will abstain in the voting, in keeping with the policy of His Majesty's Government that when one's brothers are fighting, the best thing to do is not to take sides but to stand in the middle and remind them of their noble responsibility in society: to live and coexist peacefully. Today I say to the parties concerned: come to the Kingdom of Swaziland. We have the solution; the solution lies around the conference table where commitments are honoured. Only then will the international community have a good reason to celebrate.

The Acting President: In accordance with the decision taken at the 10th plenary meeting, I now call on the Observer of Switzerland.

Mr. Staehelin (Switzerland) (*interpretation from French*): The Swiss authorities and the people of

Switzerland would like to express their condolences to the royal family and to the Government and people of Jordan on the occasion of the death of His Majesty King Hussein, defender of peace in the Middle East. As indicated by the Swiss authorities, the King's best legacy is his work for peace. We hope that all in the region now will come together on the road to peace.

The Swiss authorities and people would like also to express their sympathy to the Government and people of Colombia in the wake of the tragic human losses they have incurred.

Switzerland, as a State party to the Fourth Geneva Convention, considers that that Convention is fully applicable to the occupied Palestinian territories, including Jerusalem, and that it should be fully applied in those territories. It has stated this on numerous occasions, including before this Assembly. Unfortunately, major violations of the Convention have been noted that affect the development and rights of the civilian population. Those violations include the settlements policy in the occupied Palestinian territories, expulsions, the treatment of detainees, the plight of certain injured persons, the demolition of houses and infringements on the right to property. Switzerland is concerned at the deterioration of the situation in the territories and, in this regard, makes an appeal for the respect of the Convention.

Regarding the Geneva Conventions, Switzerland, above and beyond its responsibilities as a State party, also plays another role: that of depositary. Therefore my statement will deal in particular with the exercise of this duty by my country in the context of the issues we are addressing today.

In operative paragraph 10 of its resolution ES-10/3 of 15 July 1997, the General Assembly recommended for the first time to the High Contracting Parties to the Fourth Geneva Convention that they

> "convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect, in accordance with common article 1".

Why is it that, more than 18 months after the adoption of this resolution, this conference has not yet taken place?

Following the adoption of resolution ES-10/3, Switzerland, in its capacity as the depositary of the Convention, began in the summer of 1997 a process of consultation with the States parties to the Fourth Geneva Convention. It particularly requested States parties to communicate to it their views with respect to the holding of a conference and its possible outcome. It then transpired that there was no consensus among the States parties regarding a time-table for the conference. The Fourth Convention has no provisions related to the holding of conferences devoted to specific situations, and consequently specifies no modalities for them. A consensus would have made possible the early convening of the conference by the depositary, as recommended by the General Assembly.

Indeed, Switzerland must construe its role as depositary in a restrictive sense when legal bases and norms are not clearly defined or when action may be controversial. On the other hand, it may exercise this role more broadly when the framework is clear and when States parties are in favour of its action.

Given, *inter alia*, the repeated recommendations of the General Assembly of November 1997 and March 1998, Switzerland continued its consultations. In close contact with States and the organizations more directly concerned, it sought to identify measures that would lend themselves to a consensus and that would be conducive to promoting the respect of the Fourth Convention in the occupied Palestinian territories. In the context of this consultation process with the States and organizations more directly concerned, a consensus was reached with respect to a set of two measures, which were subsequently communicated by the depositary to all the States parties in July 1998.

The first track of this set of measures provided for Switzerland to invite the representatives of Israel and the Palestine Liberation Organization to a closed meeting in the presence of representatives of the International Committee of the Red Cross (ICRC) with a view to examining measures and machinery that could contribute to the effective implementation of the Fourth Geneva Convention in the occupied Palestinian territories, including Jerusalem. A first meeting was held in Geneva from 9 to 11 June 1998. The participants engaged in an exchange of view on the possibility of enacting specific measures to implement the Fourth Geneva Convention. They agreed to meet again to consider ideas and suggestions that could promote respect for the Fourth Geneva Convention. The hope of contributing to a rapid improvement in the situation on the ground has yet to be realized. Switzerland considers, however, that this type of meeting can produce positive results in terms of

tangible improvements on the ground, provided that the principle of respect for the provisions of the Convention is not thrown into question. In the summer of 1998, Switzerland began approaching participants with a view to calling another meeting. That meeting has had to be postponed several times. Switzerland hopes that a date will be scheduled as soon as possible.

The second track, the contents of which were discussed by all the States parties, consisted in organizing a meeting of experts to consider general problems in implementing the Fourth Geneva Convention. That meeting was held in Geneva from 27 to 29 October 1998. It allowed the participants to consider ways and means of ensuring respect for the Convention in the spirit of common article 1 of the Geneva Conventions. That provision requires States to respect and to ensure respect for these instruments in all circumstances. It lays down a true legal obligation, but the substance of that obligation is not spelled out. The Convention itself establishes no mechanism for ensuring its respect. The 1949 Conference adopted no provision specifically addressing the settlement of disputes on the interpretation of the Convention. It did, however, invite States, in its first resolution, to make every effort to agree to submit their potential disputes to the International Court of Justice. Hence, article 1 necessarily and basically defers to the political judgment of States the determination of measures to be taken in a specific case to ensure respect for the Convention.

At the meeting of experts, the participants identified violations of the Convention and measures to put an end to such violations and to prevent future breaches. They underscored that it is essentially political and legal disputes relating to the applicability of the Fourth Geneva Convention that hamper its implementation. Among the measures mentioned at the meeting of experts was the organization of meetings in which the States or entities particularly concerned — as well as certain States parties, when necessary — would participate to consider specific situations. One meeting of this kind was held last June with the representatives of Israel and Palestine in the presence of representatives of the ICRC.

Included among the 17 measures mentioned in the report of the Chairman of the meeting was a consideration of the timing and modalities of conferences on specific situations, such as those recommended by the General Assembly in the case of the occupied Palestinian territories. Convening such a conference, however, raises many questions that the Geneva Conventions and their additional protocols do not resolve and which only the States parties — and not the depositary — can address.

Such questions include, *inter alia*, the determination of the circumstances in which such a meeting should be convened and to what extent such meetings can tangibly alleviate the plight of victims. Who can take the initiative for convening such a meeting? The depositary? A particular number of States parties? An international organization? How should the decision to convene such a meeting be taken? Should it be taken by all or by a simple or qualified majority of States parties or of the States taking a position? How would the States parties deal with a situation in which one of the principal parties concerned does not participate in the conference? When the principle of a meeting is agreed, how are decisions taken concerning its preparation and conduct? What should its agenda and goals be? What rules of procedure are to be applied? Who would cover the costs?

Despite the consultations undertaken since summer 1997, and in spite of the precise questions raised by the Swiss delegation at the meeting of experts last October, the depositary has yet to receive any conclusive reply. That, in substance, is the main reason why the conference recommended by the General Assembly has not yet been convened.

Shortly, the General Assembly will be called upon to vote on a draft resolution recommending the convening of the conference on 15 July 1999. This draft resolution was the subject of difficult negotiations, *inter alia*, on the question of whether some earlier date should have been proposed for the conference. It expresses welcome gratitude to Switzerland and invites my country, in its capacity as depositary, to undertake preparations to that end. In the light of these recommendations, what position will Switzerland adopt in its capacity as depositary of the Fourth Geneva Convention?

In transmitting to the States parties, the Secretary-General and the observers the report of the Chairman of the meeting of experts held in October, the Swiss authorities announced their intention to undertake a new round of consultations with the States parties to the Geneva Conventions, the International Committee of the Red Cross and the organizations more directly concerned. Those consultations have already begun, albeit informally so far, and have been mostly devoted to matters related to the possible convening of conferences devoted to specific situations. Switzerland, in its capacity as depositary, could consider taking an active role in the

convening and holding of a conference of that type only if States parties first defined a solid basis for the implementation of such a measure, so that, *inter alia*, it could be applied in the case of serious violations of the Fourth Geneva Convention in any location. Switzerland takes note of the willingness expressed before this Assembly by many States to seek a basis for common action by the High Contracting Parties. We hope that this action can be the subject of general agreement.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/ES-10/L.5/Rev.1.

I give the floor to the representative of the Secretariat.

Mr. Jin Yongjian (Under-Secretary-General for General Assembly Affairs and Conference Services): I should like to inform members that, should the General Assembly adopt draft resolution A/ES-10/L.5/Rev.1, the Secretary-General does not anticipate any programme budget implications.

The Acting President: I now call on the representative of Israel, who wishes to speak in explanation of vote before the voting.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Gold (Israel): Since the signing of the Oslo accords, the PLO has systematically violated the 9 September 1993 commitment given by Chairman Yasser Arafat to Israel's late Prime Minister Yitzhak Rabin, "that all outstanding issues related to permanent status will be resolved through negotiations". This violation is continuing here today. Today's proposed draft resolution does not support the peace process. On the contrary, this action undermines its bilateral foundations.

Israel views the attempt to convene a conference of the signatories to the Fourth Geneva Convention with respect to the West Bank and Gaza as a vulgar distortion of international humanitarian law for the purpose of narrow political interests. No such conference has been held since 1949 with respect to any single conflict in the world, despite the many cases of wars of aggression, genocide and ethnic cleansing that have transpired. Moreover, no conference intended to address the status of civilians in time of war can have any relevance whatsoever to the Israeli situation, in which 97 per cent of the Palestinians in the West Bank and the Gaza Strip are today under Palestinian rule.

Finally, to selectively apply a Convention that grew out of the experience of Nazi-occupied Europe to the case of Israel is nothing less than a travesty. International political reality is undergoing Orwellian contortions here today, by which sincere efforts at implementation are described as obstruction and compliance is portrayed as illegality.

It is important to set the record straight in the light of the assertions that have been made here today. In the aftermath of previous meetings of the emergency special session, the Swiss depositary suggested translating the provisions of the resolutions adopted into a dialogue on humanitarian issues between the parties concerned. Israel in fact agreed to these proposals and indeed took part in the first meeting in Switzerland, demonstrating its own interest in these humanitarian concerns, as opposed to the political path suggested here today.

Moreover, the convening of this emergency special session represents a total abuse of the United Nations system. Assembly resolution 377 (U) A of 3 November 1950, the "Uniting for peace" resolution, envisioned that emergency special sessions would be held in the event of a threat to international peace and security. Given the wars and famines that have raged across the world, to raise again an issue that more properly belongs on the Israeli-Palestinian negotiating table is a destructive definition of international priorities and a wasteful use of international resources.

There are two paths for addressing Israeli-Palestinian differences. Here the international community has a clear choice. One is the path of one-sided United Nations resolutions that will only encourage unilateralist Palestinian options. This is the path followed here today, and it should be opposed. For this reason Israel will vote against the draft resolution.

The other path is the route of a negotiated settlement, consistent with the commitments given in the Oslo accords. It is our hope that States will responsibly choose a course of action that will support compliance with past commitments, rather than one that will only encourage the erosion of signed agreements and increase international anarchy.

The Acting President: We have heard the only speaker in explanation of vote before the voting.

I call on the representative of Cuba on a point of order.

Mr. Dausá Céspedes (Cuba) (*interpretation from Spanish*): I have asked to take the floor to draw your attention to the fact that, as announced last Friday by the representative of the United Arab Emirates in introducing the draft resolution, Cuba is one of the sponsors. I should like to ask that the Secretariat duly take this fact into account in preparing the final version of the text of the draft resolution.

The Acting President: The General Assembly will now take a decision on draft resolution A/ES-0/L.5/Rev.1.

A recorded vote has been requested.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, Eritrea, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zimbabwe

Against:

Israel, United States of America

Abstaining:

Australia, Bahamas, Cameroon, Romania, Swaziland

The draft resolution was adopted by 115 votes to 2, with 5 abstentions (resolution ES-10/6).

[Subsequently, the delegation of the former Yugoslav Republic of Macedonia informed the Secretariat that it had intended to vote in favour.]

The Acting President: I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted.

May I again remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Duval (Canada) (*interpretation from French*): Canada voted in favour of the resolution because we support its principles. Canada remains greatly concerned at Israeli settlement activities in East Jerusalem and elsewhere in the occupied territories. We urge Israel to stop these activities, which in Canada's view are a violation of international law and harmful to the peace process. Canada believes that the Fourth Geneva Convention applies to the territories occupied by Israel in 1967, including East Jerusalem. We call on Israel to accept the *de jure* applicability of the Convention in the occupied territories, including East Jerusalem.

We regret that the General Assembly is again using the emergency special session mechanism in a manner that to us does not seem helpful. Moreover, we find that the resolution is complicated by language that will not benefit the peace process and by elements that are not germane to the question of the convening of the conference on the applicability of the Fourth Geneva Convention.

As a High Contracting Party to the Fourth Geneva Convention, Canada wishes to thank the Government of Switzerland for its efforts in organizing the meeting of experts held in October 1998 regarding the applicability of the Fourth Geneva Convention to the occupied territories in general. Our decision about the merits of convening the conference called for in operative paragraph 6 will be made after a full examination of the

necessity, possible outcome and costs of such a conference, as well as, of course, after full consultations with the other High Contracting Parties.

Canada is a strong supporter of the peace process and an active participant in the search for a durable and lasting peace in the Middle East. We are thus deeply concerned by the current impasse in the negotiating process and by the fact that no progress has been made in implementing the Wye River Memorandum.

It is incumbent on both the Israelis and Palestinians to honour and implement in full the agreements that have been concluded. We urge both parties not to take any unilateral actions that might jeopardize peace or prejudge the outcome of negotiations.

Mr. Crighton (Australia): Australia continues to support the principles underlying the resolution relating to the applicability of the Fourth Geneva Convention and therefore regrets that it was not able to support the resolution itself. We wish to make very clear our view that we regard settlement activity in the occupied territories as harmful to the peace process. Australia remains gravely concerned about the current state of the peace process and has consistently urged the parties to commit themselves to effective negotiations.

Given the current situation in the region, including the forthcoming elections in Israel, Australia considers that the timing of this resolution is not appropriate, and we do not believe that this is an appropriate mechanism for moving the peace process forward.

We look forward to seeing further momentum in the peace process. There is no substitute for frank, direct and wide-ranging talks between the parties themselves.

We consider that the resolution will not advance the peace process and therefore abstained.

Mr. Brattskar (Norway): Norway remains convinced that it is the obligation and responsibility of the parties themselves to carry the peace process forward and to implement fully the Interim Agreement as well as the Wye River Memorandum. Norway therefore urges the parties to refrain from unilateral actions that might endanger the peace process. We encourage the parties to step up the direct bilateral negotiations, with a view to completing the implementation of these agreements and to engage in successful final status negotiations.

Norway is of the view that the holding of an emergency special session of the General Assembly is not conducive to progress in the peace process. We also maintain our reservations in respect of several elements in the resolution.

At the same time, Norway is deeply concerned about the continued Israeli settlement activities in the Palestinian areas. Such unilateral steps serve to increase tension. They are clearly not in the spirit of the agreements reached between the two sides and are contrary to international law.

Despite the reservations we also have with regard to several new elements introduced in the resolution, Norway had no choice but to uphold our position of the March 1998 emergency special session meeting and, accordingly, to vote in favour of the resolution.

Mr. Benítez Sáenz (Uruguay) (*interpretation from Spanish*): Uruguay views with deep concern the successive acts of violence between Israelis and Palestinians that have endangered the peace agreements signed in Madrid eight years ago.

Today once again we have attended the emergency special session with the hope that the United Nations will fulfil its primary obligation to ensure international peace and security and respect for human rights. For this reason my country once again urges Israel and the Palestinian Authority to fully restore the process of peace and cooperation that was started, thus promoting the restoration of mutual trust. We urge both parties to halt and refrain from all illegal acts that may make it difficult to restart the process.

Uruguay voted in favour of resolution ES-10/6 above all because it reaffirms the importance of international humanitarian law, and it points out the obligation of the High Contracting Parties to the Geneva Convention to respect and foster respect for this legal instrument of universal applicability.

Nevertheless, some of this resolution's paragraphs — in particular operative paragraph 5 — contain assertions that imply a prejudging of the issues that the conference will have to discuss. We here enter a formal reservation regarding this matter.

In keeping with our commitment to peace, we appreciate and support all the actions and negotiations

undertaken by the Swiss Government aimed at finding an acceptable and satisfactory solution for both parties.

The Acting President: I call on the Observer of Palestine.

Mr. **Al-Kidwa** (Palestine) (*interpretation from Arabic*): I would like to express our heartfelt thanks to all the States that sponsored or voted in favour of the important resolution that the tenth emergency special session today adopted by such an overwhelming majority — despite the fact that, in accordance with Article 19 of the Charter, 42 Member States were unable to vote.

We believe in the great importance of the resolutions of the United Nations, and in particular of those adopted by this emergency special session. We believe also that today's resolution, in addition to its traditional importance, constitutes a step forward because it contains a specific practical measures: the call to convene a conference of the High Contracting Parties to the Fourth Geneva Convention to consider measures to enforce the Convention in the occupied Palestinian territories, including Jerusalem. That conference is to be convened on 15 July at the United Nations Office in Geneva. This undoubtedly is of the utmost importance. We look forward to the timely convening of the conference and to its outcome, which we expect to be significant.

Before the adoption of the resolution, we heard a statement by the Permanent Observer of Switzerland to the United Nations. In that statement he raised a number of important points, which we understood as an invitation to the High Contracting Parties to translate their position in support of the convening of the conference, as was expressed today, into concrete and continued cooperation with the depositary. We believe that this is important, and on our part we will act accordingly.

We believe that the conference must be held under any and all circumstances, but it is the cooperation of the High Contracting Parties during the preparatory phase, from now until the convening of the conference, that will guarantee its complete success.

We had hoped that one more State would have joined the large number of States that supported the draft resolution, in view of the fact that Israel has not responded to the efforts of that particular State in the field of peace-building and in particular with regard to the Wye River Memorandum. Unfortunately, this did not take place, but we continue to hope that that State's position will change.

I reiterate our thanks to you, Mr. President, and to all the friendly countries that supported resolution ES-10/60.

The Acting President: The tenth emergency special session of the General Assembly is now adjourned temporarily, in accordance with the terms of paragraph 10 of the resolution adopted at the present meeting.

I wish to thank the Member States, the Secretariat and the observers for their cooperation.

The meeting rose at 6.05 p.m.